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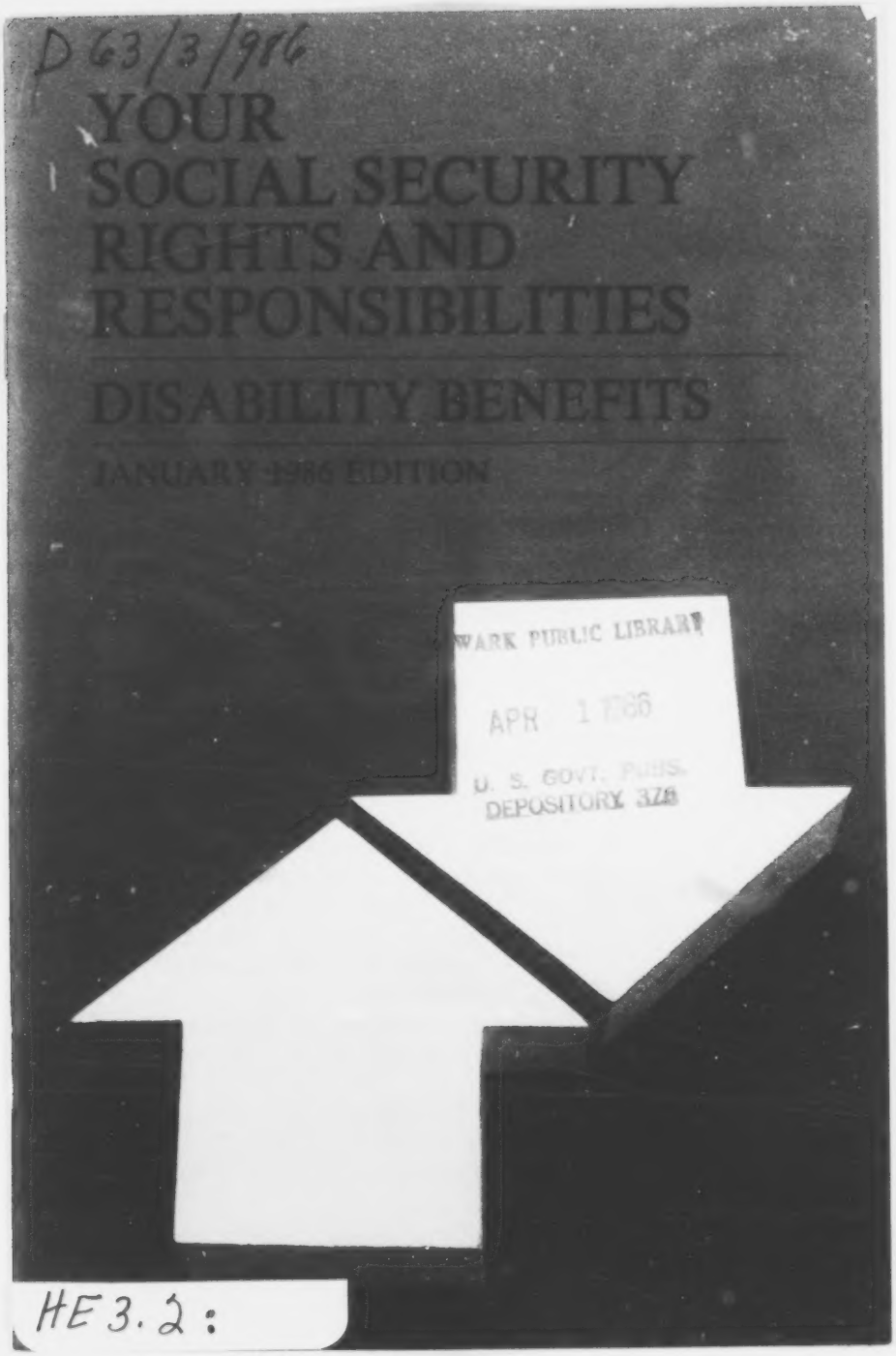
YOUR SOCIAL SECURITY RIGHTS AND RESPONSIBILITIES

DISABILITY BENEFITS

JANUARY 1986 EDITION



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IMPORTANT

Make sure you read this booklet about your Social Security disability checks. It tells you about:

- **Disability reviews**—Your case will be reviewed periodically to verify your continuing eligibility. See the information starting on page 11 that explains what you can expect.
- **Reporting changes**—You must promptly report certain changes such as medical improvement, work activity, and change of address (see pages 20 to 27). If you do not, there may be an overpayment and a possible penalty.
- **Special work rules**—There are several rules (including a trial work period) that may help you if you try to work while still disabled. See pages 14 to 17.

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Your Social Security rights and responsibilities

Because you receive Social Security disability benefits, you should know more about your rights and responsibilities. In this way, you can help to make sure you receive all payments due on time and in the right amount. This booklet tells about your benefits and what you can expect from Social Security.

If you also receive supplemental security income (SSI) checks, remember there are some additional rules for that program. If you do not have a copy of the booklet, *What you have to know about SSI*, ask for one at any Social Security office.

The people at Social Security will be glad to help you if you have a question or need help. Most matters can be handled by phone. Look in the phone directory under "U.S. Government" or "Social Security Administration" for the number and address.

Your disability checks

Amount of checks and when they start

Your Certificate of Award explains how much your disability check will be and when payments start. It also shows when you can expect your first disability review. If family members are eligible, they will receive a separate notice and a booklet about things they need to know.

If you are a disabled worker, widow, or widower, your payments cannot begin before the 6th full month of disability. If the 6th month is past, your first check may include some back benefits.

Your benefits are paid by U.S. Government checks. A check for a particular month generally is paid on the 3rd day of the following month. For example, a check dated May 3 would be your benefit for April. If the 3rd is on a weekend or holiday, your check should arrive a day or two early.

If your check is late, lost, or stolen

Unless you very recently changed your address or there is a delay in mail delivery, your checks should arrive on time each month. If a check does not come by the 6th of the month, contact any Social Security office. The people there will help you find out what happened.

Notify Social Security *immediately* if a check is lost or stolen. A duplicate check can be issued but this takes time. So it is in your best interest to be very careful with your checks.

Do not sign a check until you are at the bank or other place where you will cash it. If you endorse a check and *then* lose it, the person who finds it could cash it.

Returning checks not due

If you get a check you know is not due, return it to the U.S. Department of the Treasury, Division of Disbursement, at the address show on the check envelope. Enclose a note telling why you are sending the check back.

Direct deposit of checks

For safety and convenience, you can have your checks deposited directly into a checking or savings account at a bank, credit union, or similar institution. This eliminates worry about lost or stolen checks. Also, you save gas money and do not have to stand in line to cash your checks.

For more information and to get a copy of direct deposit form SF-1199, contact your financial institution or any Social Security office.

Some benefits may be taxable

Some of your Social Security benefits will be subject to Federal income tax if your adjusted gross income plus nontaxable interest and 50 percent of your benefits exceeds a base amount: $25,000 if you file taxes as an individual; $32,000 if you are married and file jointly; or zero if you are married and file separately (unless you lived apart for all of the year).

The amount of your benefits that must be included in taxable income will be the *lesser* of: (a) one-half of your benefits; or (b) one-half of the excess of your combined income (adjusted gross income plus nontaxable interest and one-half of benefits) over the base amount.

After the end of the year, you will receive a form—*Social Security Benefit Statement* (Form SSA-1099)—in the mail showing the amount of benefits you received. The statement is to be used only for completing your Federal income tax return if any of your benefits are subject to tax.

There is a special rule if you receive a lump-sum payment that includes benefits for months in a prior year. For more information on this and other aspects of taxation of benefits, ask at any Social Security office for the leaflet, *Part of your benefits may be taxable.*

Your Medicare protection

After you receive disability checks for 24 months, you will have Medicare protection to help pay hospital, doctor, and other medical bills. You will receive information about Medicare several months before your coverage starts. (If you have chronic kidney disease requiring regular dialysis or a transplant, you may qualify for Medicare almost immediately.)

How long payments continue

Your disability checks generally will be paid for as long as your impairment has not medically improved and you cannot work. They will not necessarily continue indefinitely. Because of advances in medical science and rehabilitation techniques, an increasing number of disabled people recover from serious accidents and illnesses. Also many individuals, through determination and effort, overcome serious conditions and lead productive lives in spite of them.

As explained on page 11, your case will be reviewed periodically to make sure you meet all requirements for disability checks. In addition, you are responsible for promptly reporting to Social Security anything that *could* affect your status as a disabled person. You must tell us if your medical condition is better, if you believe that you can work, or when you actually do return to work. See page 22 for more information.

Your benefits *may* be affected if you marry (unless you are a disabled worker), if you receive certain other disability checks, or if you go to certain countries. Make sure you read and understand the information on what to report on pages 22-27. In this way, you can avoid having to pay back some benefits later on.

If you are still disabled at 65, your checks as a disabled worker will be automatically changed to retirement benefits, generally in the same amount. You will then receive a new booklet explaining your rights and responsibilities as a retired person. If you are a disabled widow or widower, your payment also will stay the same at 60, and you will receive a new instruction booklet.

If a Social Security representative visits you

Social Security generally contacts you by mail or by telephone if information is needed or if there is something you need to know. However, a Social Security representative may call at your home in some cases.

He or she will be glad to show you identification and will never ask for money because helping you is part of the representative's job. If you have doubts about the person, call the Social Security office and ask if they sent someone to see you.

Vocational rehabilitation services

When you applied for disability benefits, information about you and your impairment was sent to the State vocational rehabilitation agency as required by law. People at that agency may contact you about possible services to help you regain your ability to work. If you are offered services and refuse them without a good reason, your monthly checks may be withheld.

Your disability checks will continue while you receive rehabilitation services until your impairment improves or you return to substantial gainful work. (See page 15 for an explanation of when work is substantial and gainful.) Under certain conditions, benefits can continue temporarily even though you recover medically while receiving services.

Disability reviews

Under Social Security law, all disability cases must be reviewed from time to time. This is to make sure that people getting benefits continue to be disabled and meet all other requirements.

Your benefits generally will continue unless there is strong proof that your impairment has medically improved since you last saw Social Security and you are able to work. There are some limited exceptions but they apply in relatively few cases.

Frequency of reviews

How often your case is reviewed depends on the nature and severity of your condition, the likelihood for improvement, and other factors. Your Certificate of Award shows about when you can expect your first review. The frequency can range from 6 months to 7 years:

- *Improvement expected*—If medical improvement can be predicted when benefits start, your first review should be 6 to 18 months later.
- *Improvement possible*—If medical improvement is possible but cannot be predicted, your case will be reviewed about every 3 years.
- *Improvement not expected*—If medical improvement is not likely, your case will be reviewed only about once every 5 to 7 years.

What happens during a review

After you get your review notice, someone first will interview you in person or by phone. He or she will explain the review process and your appeal rights. You will be asked to provide information about medical treatment and any work activity and to describe how your condition affects you.

Your updated case folder then will be sent to the State agency that makes disability decisions on behalf of Social Security. An evaluation team which includes a disability examiner and a doctor will carefully review your file and request medical reports from sources you mentioned. If those reports are not complete or current enough, you may be asked to have a special examination or test at Government expense.

Once a decision is reached, you will get a written notice that explains it. If it is decided that you are no longer disabled and you do not file an appeal, you will get a benefit for the last month of disability and 2 additional months.

Special appeal rights

You have 60 days after getting a notice you disagree with to file a written appeal with any Social Security office. The first of four appeal steps is a reconsideration. Your case will be independently reviewed by people who were not involved with the decision to stop benefits.

You have two special rights when a decision is made that you are no longer disabled. However, they must be requested during the *first 10 days* of the 60-day period mentioned above:

- *Disability hearing*—You can meet face-to-face with a decisionmaker to explain in person why you feel you are still disabled. You can submit new evidence or information and can bring someone who knows about your impairment. This hearing does not replace your right to also have a hearing before an administrative law judge during the second appeal step.
- *Continuation of benefits*—You can have your disability checks and Medicare coverage (if you have it) continue through a decision by an administrative law judge. If your appeal is not successful, however, you may have to repay the benefits unless a waiver of the overpayment is granted.

If a disabled person works

Social Security does more than provide *help* to disabled people in the form of monthly benefits and Medicare. It also offers *hope* and encouragement for those who wish to return to gainful work. Several provisions in the law help ease the transition for disabled people who return to work.

Trial work period

Most people receiving disability checks can have a trial work period. If still disabled, they can continue receiving benefits for up to 9 months while testing their ability to work (no matter how much they earn).

Generally, only months in which you earn over $75 gross wages count as months of trial work. If you are self-employed, only months in which your net earnings exceed $75 or you devote over 15 hours to your business count. The 9 trial work months need not be in a row; they may be separated by months or even years in which you do not work at all.

At the end of the trial work period, a decision is made as to whether you are able to do "substantial gainful work" (see next section). If you can, your benefits will continue for an additional 3-month adjustment period—the month your disability ends and 2 additional months—and then stop. If you are not able to work, your payments will continue.

Remember that your trial work period will continue only if you are still disabled. If you recover during a trial work period, your benefits will stop after a 3-month adjustment period.

Be sure to *notify Social Security as soon as you begin working no matter how little you earn.* The people at the Social Security office can answer any questions you have about the trial work period.

What is "substantial gainful work"?

Disability checks can be paid only if you are unable to do any "substantial gainful work" (also called "substantial gainful activity"). A decision on this is based on whether the work involves significant duties and is of substantial value. The rules differ somewhat, depending on whether you are employed or self-employed.

- *If you work as an employee*—The amount of your earnings is important in determining whether your work is substantial and gainful. In general, if your wages average more than $300 a month (after allowable deductions), you are performing substantial gainful work.

If your average monthly earnings are between $190 and $300 a month, you could be considered gainfully employed if the amount and quality of your work is about the same as that done by workers in your area who are not disabled. In making this decision, consideration is given to the time, energy, skill, and responsibility involved in your work. Earnings of less than $190 a month are not considered substantial and gainful. (See page 17 for special rules for blind people who work.)

If your earnings are "subsidized"—that is, you are paid more than the reasonable value of your work—the subsidy part of your pay is not counted as earnings in deciding whether you are performing substantial gainful work. Only pay you actually earn is considered.

- *If you are self-employed*—Your business income alone may not be the best measure of whether you are doing substantial gainful work. Business income may depend on many other factors such as the economic situation and services of other people. In such cases, more consideration is given to the kind and value of your work, including management, than to the amount of your income. For more information, contact your Social Security office.

Impairment-related work expenses

Certain impairment-related expenses for items or services you pay for and need in order to work can be deducted from your earnings in deciding whether you are performing substantial gainful work. It does not matter if you also need the items or services for daily living (such as a wheelchair).

The cost of medical devices, equipment, certain attendant care services, prostheses, and similar items and services are generally deductible. The cost of drugs or medical services are deductible only if required because of your condition.

Impairment-related work expenses can be deducted only if you keep a record of them and provide proof of payment for all expenses. The Social Security Administration will determine what is deductible and the amount of the deduction in individual cases.

Special rules for blind persons who work

If you receive disability checks because of blindness, there are several special rules that may help you when you work:

- Average monthly earnings of $650 or less in 1986 are not considered substantial gainful work. This monthly amount will increase in future years.
- If you are 55 to 65, monthly benefits will continue if you cannot do the regular (or similar) work you did before 55 or becoming blind, whichever is later. Benefits will not be paid, however, for any month you actually do substantial gainful work.

If your benefits stop

As already mentioned, your disability checks will stop if medical evidence shows that your impairment has improved and you are *able* to work or when you actually perform substantial gainful work. If payments end due to work activity but you are still disabled under the law, there are several provisions of the law that may help you.

Extended period of eligibility

You have special protection for 15 months after the 9-month trial work period. A benefit can be paid for each month in which you are still disabled and do no substantial gainful work. You must tell Social Security about these months but do not have to file a new application to receive benefits for them.

Continuation of Medicare
Generally, Medicare entitlement ends with the last month you receive Social Security disability checks. But if payments end because of work activity and you are still disabled, Medicare can continue for *up to 24 months* after either (1) the last month you got a benefit or (2) the 15-month extended period of eligibility, whichever is later.

If you again become disabled
If you are a worker who becomes disabled a second time *within 5 years* after your benefits were stopped, your cash payments can begin again with the first full month you are disabled. Another 5-month waiting period is not required. However, you must file a new application. (There is also no waiting period if you are a disabled widow or widower or a person disabled before 22 who becomes disabled again *within 7 years* after benefits ended.)

If you previously had Medicare, that protection will resume immediately. If you did not complete the 24-month waiting period for Medicare, any months for which you received cash benefits during your disability can count toward meeting this requirement in the second disability.

If you reapply for benefits as a disabled worker, you must again meet the work and other eligibility requirements at that time. Your previous period of disability would be disregarded in figuring the amount of work needed to be insured. In addition, if you were under 31 when you first became disabled and are 31 or older the second time you become disabled, a more liberal work requirement may apply.

If you reapply and previously had a trial work period, you cannot have another one unless your previous disability ended more than 5 years before you again become disabled.

Your right to question a decision

If you have any questions about your payment amount or any future changes in checks for you or your dependents, contact any Social Security office.

After that, if you still disagree with a decision, you can ask that your case be reconsidered. Your request must be made in writing and filed with any Social Security office within 60 days after receiving the notice you disagree with. (See page 13 for special rights you have if you appeal a decision that you are no longer disabled.)

Additional appeal steps include a hearing before an administrative law judge, review by the Appeals Council, and a civil action in a Federal court. For more information, ask at any Social Security office for the leaflet, *Your right to question the decision made on your Social Security claim*.

Your right to be represented

Most people handle their own Social Security matters with help from people in the Social Security office. However, you have a right to be represented by a qualified person of your choice. For your protection, there are special rules about who may represent you and what the representative may do. If you choose to have a representative, ask at any Social Security office for the leaflet, *Social Security and your right to representation*.

Reporting changes

It is important that you (or someone for you) promptly report any changes that may affect your disability checks to avoid an overpayment. If you are overpaid, Social Security will take action to recover any benefits not due you. Failure to report or making a false statement can mean a possible fine or imprisonment.

Family members receiving checks also have a reporting responsibility. If a dependent under 65 works and expects to earn over $5,760 in 1986, for example, Social Security should be notified. The booklet included with the dependent's Certificate of Award provides details.

How to Report

You can report a change simply by phoning any Social Security office. You can also visit any office or mail in form SSA-612 (Report of new information in disability cases), given to you when you applied for benefits. You can get extra copies of the preaddressed form, which needs no stamp, at any Social Security office.

If you report by letter, be sure to include:

- Name of person(s) about whom the report is made.
- Social Security claim number—which is a nine-digit number (000-00-0000) followed by a letter symbol (such as HA, HB, HC, or W) and is shown on all correspondence sent to you about your benefits.
- What new information is being reported.
- Date of change.
- Your signature, address, phone number, and date.

If you need help in completing the report, the people at any Social Security office will be glad to help you.

What to report

Change of address

Notify Social Security immediately if you change your mailing address. Your report should include your claim number, you old address, and the new address including ZIP code. Give the names of all family members who should get checks or information at the new address.

Report a new address even if you have direct deposit because important notices and letters from Social Security are sent to your mailing address even though your checks go directly to a bank or other financial institution. Your checks could be stopped temporarily if Social Security cannot locate you because you have not reported a change of address.

Also notify the post office of the address change. Then if the change has not been processed before the next check is due, the post office can forward your check.

Your condition changes

You must notify Social Security if there is any change for the better in your condition or any other event that *could* affect your status as a disabled person. In addition, your case will be reviewed periodically to verify your eligibility for benefits. See page 11 for more information.

You go to work

Inform Social Security if you take a job or become self-employed *no matter how little you earn*. If you are still disabled, you will be eligible for a trial work period and can continue receiving benefits for up to 9 months (see page 14).

Also, notify Social Security if you have impairment-related work expenses, or if there is any change in the amount you pay for them. This change may affect whether the work you are doing is substantial and gainful.

You go outside the United States

If you are a citizen of the United States or one of nearly 60 other countries, your Social Security payments generally can continue for as long as you are outside the U.S. and meet all requirements. (You can find out what countries these are at any Social Security office.) However, you must notify Social Security when you plan to leave the U.S. for 30 days or more so that your benefit checks and any notices or letters can be sent to the right address; also, this will enable you to learn about any special rules that apply to those receiving benefits outside the U.S. In addition, let Social Security know when you return to the U.S.

If you are a citizen of certain other countries, your checks will be suspended after you have been outside the U.S. for 6 months unless you meet specific conditions. And, if you go to a country where U.S. Treasury Department regulations prohibit sending checks, your benefits will stop immediately. For more information, ask at any Social Security office for the booklet, *Your Social Security checks—while you are outside the United States.*

You receive other disability checks

If you are a disabled worker under 65, Social Security checks for you and your family may be affected if you are also eligible for workers' compensation (including black lung payments) or for disability benefits from certain Federal, State, or local government programs. Some examples of these are State and Civil Service disability benefits. Notify Social Security if you:

- Apply for another type of disability payment; or
- Begin receiving another disability check or a lump-sum settlement; or
- Have a change in the amount of your other disability check, or this payment stops.

Pension from work not covered by Social Security

If, after 1985, you become disabled and start getting a Social Security disability benefit, and you later become eligible for and receive a monthly pension based (in whole or in part) on work *not* covered by Social Security, your disability payment will have to be refigured under a different formula. This will result in a lower disability benefit.

Let Social Security know if you expect to get a pension based on noncovered work. For more information, ask at any Social Security office for the leaflet, *How your Social Security check is affected by work not covered by Social Security.*

Spouse or surviving spouse receives government pension
If you are a disabled widow or widower or the spouse of a disabled worker, your Social Security payments may be affected if you start receiving a Federal, State, or local government pension based on your own work *NOT* covered by Social Security. Notify Social Security if you begin to receive such a pension or if the amount of the pension changes. Ask for the leaflet, *Government pension offset—how it may affect you,* for more information.

Marriage
Here is how marriage may affect your disability checks and when you must report:

- *As a disabled worker*—Payments continue and you need not report the marriage. But if you are a woman, report any change of name so it will appear on future checks.
- *As a disabled widow or widower 50 or older*—Payments continue, but report your marriage.
- *As an adult disabled before age 22 getting disability checks on the Social Security record of a parent or grandparent*—Report your marriage. Payments generally will end unless you marry a person receiving certain types of Social Security checks. For more information, contact any Social Security office.

If you are a disabled widow, widower, or surviving divorced spouse and your checks stop due to marriage, they may be started again if your remarriage ends. If you are an adult disabled before age 22 and your checks stop because of marriage, however, they cannot be started again unless the marriage is void.

Benefits for the child of a disabled worker always end if the child marries. This must be reported right away.

Person not able to manage own funds

Some people receiving Social Security checks cannot manage their own funds. For example, a parent or other person usually gets checks for a child. Also, an adult who is disabled sometimes becomes unable to handle benefits.

If a person receiving benefits becomes unable to manage funds, someone should let Social Security know. Arrangements can then be made for a "representative payee" to receive and use the benefits for that person. Generally, the payee is a close relative or person caring for the beneficiary.

The payee is responsible for properly using the benefits on behalf of the beneficiary, for reporting any events that may affect payments, and for completing a *Representative Payee Report* when asked to do so by Social Security. He or she will receive a booklet explaining more about duties as a representative payee.

Conviction of a felony

You must notify Social Security immediately if you are convicted of a felony. Benefits generally are not paid for months you are imprisoned for conviction of a felony, but any dependents who are eligible may continue to receive checks. A felony conviction may also affect a disability claim in other ways; contact any Social Security office for more information.

Death

When a beneficiary dies, no payment is due for the month of death. For example, if the person dies in June, even on the last day, the check dated July 3 should be returned. However, if the check is issued jointly to a husband and wife, the survivor should get in touch with any Social Security office about cashing the check.

If the person had arranged for direct deposit of benefits, the financial institution also should be notified of the death. Then the institution can return any payments received after death.

If a disabled worker dies, payments to his or her dependents will be changed to survivors benefits. If the worker received benefits on behalf of children, a new representative payee must be appointed. Proof of death is needed.

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